

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

**March 13, 2007**

**FROM:**       **JULIE RYNERSON ROCK**, Director  
                    Land Use Services Department

**SUBJECT:    PUBLIC HEARING ON THE GENERAL PLAN UPDATE PROGRAM**

**RECOMMENDATIONS:**

- 1) Conduct a public hearing regarding the General Plan Update Program to include: a) The Final Environmental Impact Report (EIR); b) The Facts, Findings and Statement of Overriding Considerations; c) An update of the County General Plan goals, policies and maps (including associated land use district changes); d) The establishment of 13 community plans; e) Revisions to Title 8 of the San Bernardino County Code (the Development Code); f) The adoption of the East Valley Area Plan to maintain the existing development standards for the planning area commonly referred to as the "Donut Hole" surrounded by the City of Redlands; and g) The fee changes necessary as a result of the changes to the General Plan and Development Code to include name changes to Planning review processes, change the Minor Use Permit from an average cost application to an actual cost application, and the establishment of a fees for hillside grading review and the Private Home Landscaping Plan review;

**Environmental Impact Report:**

- 2) Certify the Final Environmental Impact Report;
- 3) Adopt the Facts, Findings and Statement of Overriding Considerations;

**County General Plan:**

- 4) Adopt the Resolution amending the County General Plan Update;
- 5) Adopt the Resolution amending the County General Plan Housing Element pursuant to Government Code Section 65585;
- 6) Read title only of proposed Ordinance amending the County General Plan Land Use and Overlay Maps;
- 7) Waive reading of the entire text;
- 8) Adopt the Ordinance amending the County General Plan Land Use and Overlay Maps;
- 9) Adopt the Findings for adoption of the General Plan Text and Maps;

**Community Plans:**

- 10) Adopt the 13 Resolutions establishing 13 Community Plans to include the following communities: Bear Valley, Bloomington, Crest Forest, Hilltop, Homestead Valley, Joshua Tree, Lake Arrowhead, Lucerne Valley, Lytle Creek, Morongo Valley, Muscoy, Oak Glen, and Phelan/Pinon Hills;
- 11) Adopt the Findings for adoption of the community plans;

**Development Code:**

- 12) Read title only of proposed Ordinance readopting Title 8 (Development Code) of the County Code;
- 13) Waive reading of the entire text;

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- 14) Adopt the Ordinance readopting Title 8 (Development Code) of the County Code;
- 15) Adopt the Findings for adoption of the Development Code;

**Area Plan:**

- 16) Read title only of proposed Ordinance establishing the East Valley Area Plan;
- 17) Waive reading of the entire text;
- 18) Adopt the Ordinance establishing the East Valley Area Plan;
- 19) Adopt the Findings for adoption of the East Valley Area Plan;

**County Fee Ordinance:**

- 20) Read title only of proposed Ordinance amending Title 1 of the County Code relative to the changes necessary to County fees to respond to changes made in the General Plan Update Program;
- 21) Waive reading of the entire text;
- 22) Adopt the Ordinance amending Title 1 of the County Code relative to fees;

**Findings and Notice of Determination:**

- 23) File the Notice of Determination.

**BACKGROUND INFORMATION:** On February 22, 2007, the County Planning Commission unanimously recommended to the Board of Supervisors that they approve the 2007 General Plan Update Program (Update Program) and certify the Environmental Impact Report prepared on the program. The Commission held ten public hearings beginning on August 24, 2006 to review the various documents that make up the Update Program. Extensive public testimony was provided during the hearings and numerous revisions were made in response to both public input and Planning Commission direction. During the course of Commission hearings, the Board also conducted three public workshops and provided direction to Planning staff and the General Plan consultant team for refinements in the Update Program. The final set of documents considered by the Commission on February 22<sup>nd</sup> represented the culmination of considerable public, Planning Commission, and Board review of the Update Program. The Update Program documents incorporate the changes directed by the Commission and the Board during their respective meetings.

The San Bernardino County General Plan Update (GPU) began in the summer of 2003 following a one-year assessment of the 1989 General Plan. This assessment was designed to examine the 1989 General Plan and define a scope of work and establish Board direction for the General Plan Update. It made specific recommendations that were endorsed by the Board to serve as the scope of work for a contract for consultant services. The planning consulting firm of URS Corporation was selected to prepare the Update Program. The scope of work outlined a three-year planning process that provided for significant public involvement. The scope of work also identified the following specific work products that would result from the planning effort:

- A Vision Statement
- Background Reports for each General Plan Element
- 13 Community Plans
- Draft Goals and Policies Report
- Updated General Plan
- Updated Development Code
- Environmental Impact Report.

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**❖ Public Participation – the foundation to the General Plan Update**

Extensive public participation has been a hallmark of this General Plan Update. Numerous community meetings were held during the early months of the program to establish a foundation for preparation of a Vision Statement. Further community meetings were included in the Community Plan process, and monthly meetings of the General Plan Advisory Committee (GPAC), which were open to the public, were held from June 2003 to April 2006. In all, there were 23 community meetings for the visioning process, 35 community meetings and 18 committee meetings during preparation of the Community Plans, and 30 GPAC meetings. As various draft documents became available for public review, staff provided these documents to the public by posting them on the Land Use Services Department webpage, providing the documents on CD, making them available at all County libraries through the Internet, and making hard copies of the documents available at the Department regional offices.

**❖ Vision Statement**

The first step in the GPU process involved the preparation of a Vision Statement. The purpose of the Vision Statement was to provide guidance in developing General Plan goals and set a frame of reference for the General Plan and its related components. As stated earlier, the vision for the General Plan was prepared using extensive public outreach. Public outreach provided an opportunity to “get the word out” about the General Plan Update and collect information from County residents regarding important attributes about San Bernardino County that should be retained or improved through the General Plan. On June 22, 2004, the Board adopted the Vision Statement. The goals and policies of the General Plan, the Development Code, and the Community Plans have been drafted to help achieve the vision for the future of the County.

**PREPARATION OF BACKGROUND REPORTS**

In order to provide both an initial reference point and a technical source of data for the GPU, Background Reports were prepared for each of the seven mandatory elements and one optional element of the General Plan. These Background Reports provide the environmental, institutional and legal setting for the preparation of the General Plan and associated documents. The Background Reports were posted on the GPU website and included on the CD with the Draft EIR.

**PREPARATION OF COMMUNITY PLANS**

A key component of the General Plan is the Community Plan, 13 of which have been prepared for the communities endorsed by the Board during the original scope of work. The Community Plans identify goals and policies that are unique to each particular community and are tiered from the Countywide and Regional Goals and Policies. Community Plan goals and policies have been customized to meet the specific needs or unique circumstances of individual communities. The goals and policies within Community Plans guide development in a manner that maintains the existing balance of land uses, preserves the character of the community, and complements existing development. To aid County staff and the consultants, advisory committees were established for each Community Plan area. These committees provided invaluable assistance in

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formulating the community goals and policies and facilitating public input into each plan. The following Community Plans have been prepared as part of the General Plan Update Program:

Bear Valley	Homestead Valley	Lytle Creek	Phelan/Pinon Hills
Bloomington	Joshua Tree	Morongo Valley	
Crest Forest	Lake Arrowhead	Muscoy	
Hilltop	Lucerne Valley	Oak Glen	

A fourteenth plan, the Oak Hills Community Plan, was adopted as part of a joint effort with the City of Hesperia in 2003. Since this plan is already in effect, the format of the plan is all that needs to be amended to be consistent with the 13 new plans that have been prepared. Once the General Plan Update documents have been formally adopted, the Oak Hills Community Plan will be amended to achieve this consistency in format.

**GENERAL PLAN TEXT**

The State of California requires each city and county to prepare and adopt a general plan to identify goals, policies and programs to guide future development within each jurisdiction. Each general plan in the state is required to address a variety of issues through the preparation of elements, or chapters, organized by topic. The State mandates seven elements be addressed in a General Plan. The seven mandated elements are Land Use, Circulation and Infrastructure, Housing, Conservation, Open Space, Noise, and Safety. State requirements for a General Plan also provide that optional elements may be added by a jurisdiction. The 2007 County General Plan has been organized using the seven mandated elements. Additionally, an Economic Development Element is included as an optional element of the General Plan.

The update to the General Plan provides a projection of growth in the County through the year 2030. Text, tables and maps in the draft General Plan identify goals and policies that will guide the development of residential, commercial, industrial, public facilities, transportation facilities and other uses that are desired by the public and decision makers. A detailed analysis of the build-out capacity of the 1989 General Plan relative to residential densities and non-residential building intensities for the unincorporated areas of the County was prepared. Also, an analysis of population growth trends and computed estimated totals for population, the number of households and employment opportunities for the year 2030 was completed. These figures were critical in analyzing potential impacts on the environment associated with the increased population and preparing measures to mitigate these impacts. An Economic Development Report was prepared and was the basis for the development of the Economic Development Element of the General Plan. The forecasts presented in this report enabled staff and the consultant team to compose viable goals and policies relative to economic development that link to the Economic Strategy adopted by the Board in 2005.

In 2003, the Board adopted a new Housing Element for the General Plan. This new element was submitted to the State Department of Housing and Community Development for review and certification. At that time, the State noted some deficiencies with the document and did not certify the element. Staff has been working with the State since then to correct these deficiencies and has recently submitted a revised draft of the Housing Element to the State for their review. At the

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direction of the State, this new draft now includes 1) a complete site inventory of developable land to substantiate the County's ability to meet its housing allocation, 2) revisions to the permitting requirements and density standards for multi-family development, 3) the addition of a policy to encourage and facilitate emergency shelters and transitional housing in the County, and 4) a more specific schedule of actions to meet the County's housing objectives. Staff has just received a letter from the State that indicates the revised draft of the element will now comply with State housing element law. This revised Housing Element is part of the General Plan Update Program that is being considered by the Board.

❖ **Highlights of the New General Plan Text**

The following is a summary of the "new look" of the General Plan:

- Goals and policies have been added to implement the adopted Vision Statement.
- The text has been organized by element.
- The volume of the plan has been reduced by removing technical standards and guidelines that should not be included in a General Plan and by removing ineffective goals and policies.
- An Economic Development Element has been added to the plan.
- An analysis of the 2030 forecasted traffic volumes has been conducted and goals and policies pertaining to this analysis have been included in the plan.
- The mapped Improvement Level concept has been eliminated and replaced by Infrastructure Standards that have been added to the Development Code. These standards are based on the density and intensity of the use.
- Planning Areas are being eliminated and replaced by expanding the goals and policies of the three regional areas of the County (Valley, Mountain and Desert) and by the adoption of 13 Community Plans.
- The General Plan contains an Implementation Section to ensure that the Plan is implemented as adopted.

❖ **Highlights of the General Plan Mapping**

- **General Changes**
  - Removed all obsolete zoning "prefixes" and "suffixes";
  - Revised all residential land use designations into a standardized list of minimum lot sizes for the Agriculture, Rural Living, and Single Family Residential designations:

• RS	• RS-1	• RL-10	• AG-20
• RS-10M	• RM	• RL-20	• AG-40
• RS-14M	• RL	• RL-40	• AG-80
• RS-20M	• RL-5	• AG	• AG-160
  - Changed all Planned Development (PD) designations to Specific Development (SD) with either a residential or commercial suffix.

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- **Community Plans**

Minor zoning changes were made in various Community Plans to respond to issues raised in the plan preparation and public review processes.

- **"Hotspot" Analyses for West Fontana and Mentone**

Zoning changes were made to address land use compatibility and to bring existing land uses into conformity with the land use zoning districts in which they are located. Both areas lie within the spheres of influence of adjoining cities, West Fontana within the sphere of the City of Fontana and Mentone within the sphere of the City of Redlands. These zoning changes also align the County's zoning with the pre-zoning designations assigned by the cities to the extent practicable. These changes recognize the existing subdivision patterns and bring consistency between the jurisdictions.

- **Sphere Areas**

Several zoning changes were made to bring the County zoning into conformance with the various cities' pre-zoning for the areas in question and to address specific issues raised in the process of preparing the GPU.

- **Miscellaneous**

- Minor zoning changes were made along the I-40.
- Open Space designations were applied to appropriate lands in the unincorporated area north of the City of Rancho Cucamonga, in the Morongo Valley Community Plan area and in the Joshua Tree Community Plan area.

#### **UPDATED DEVELOPMENT CODE**

The proposed San Bernardino Development Code (Title 8 of the County Code) will replace the existing Development Code in its entirety. The Development Code implements the goals and policies of the General Plan by classifying and regulating the uses of land and structures within the County. The purpose of the Development Code is to promote and protect the public health, safety and general welfare of County residents. The Development Code is the mechanism that implements the County General Plan, including policies contained in the various Community Plans. To satisfy one of the overall objectives of the Board, the Development Code has been rewritten to modernize the document to be more understandable and user-friendly.

#### **❖ New Development Requirements**

- **Hillside Grading Standards:** The County has recognized for years the need to address hillside grading and the impacts it has on the environment. With this update, it is now appropriate to add these provisions to the Code. Hillside Grading Ordinances from a number of other jurisdictions, including Rancho Cucamonga, and from the old Chino Hills Specific Plan were used as a model for these new provisions. These regulations for development within hillside areas facilitate appropriate hillside development through standards and guidelines for hillside areas.
- **Infrastructure Improvement Standards:** In keeping with direction to ensure the General Plan is a "policy" document, the Infrastructure Standards are being moved from the General Plan to the Development Code. The purpose of these standards is to establish the necessary infrastructure improvements required for the density and intensity of development to ensure orderly development consistent with the defined goals and policies

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for the three regions of the County, the Valley, Mountain and Desert. The infrastructure standards for the Desert Region incorporate past recommendations for development standards that are appropriate for the more rural areas of the County.

- **Landscaping Standards:** The landscaping guidelines used by the County in the late 1990s have been expanded and incorporated in to the updated Development Code. The new standards are now included as development requirements in response to the need to conserve water while maintaining the aesthetic quality of new development. These standards will apply to new uses, structures and subdivisions, as well as existing uses and structures with specific qualifications. Certain specified project types are listed as being exempt from the landscaping requirements.
- **Agritourism Enterprises:** In recognition of the desire of many residents in rural communities in the County to preserve the rural character of their communities while providing some expanded commercial opportunities, the updated Development Code includes a new set of uses for agricultural related commercial activities within the Rural Living, Agriculture and Resource Conservation Land Use Zoning Districts throughout the County. These uses are referred to as agritourism. They are subject to appropriate development review and can be established without the requirement to obtain approval for a General Plan Land Use Zoning District Amendment. During the course of the various public hearings and workshops, staff has made several changes to these provisions to respond to issues addressed by public testimony. The most recent changes include the following: 1) development standards for uses that are seasonal in nature, 2) how restaurants and incidental food services are processed, and 3) how uses that do not require a permanent structure are addressed.
- **Multi-Family Residential Development Standards:** The Update Program consolidates the current 16 different RM (Multiple Residential) land use zoning designations to a single multi-family designation – RM – with an allowed density of up to 20 units per acre. Each proposal for a project within this district would be evaluated on its own merits as to the proper density for a specific site.

As part of the coordination with the State HCD on the Housing Element, the County has agreed to allow the development of smaller scale multiple family housing projects with just the issuance of building permits. No land use approvals would be required. This would apply to projects consisting of 19 units or less. In order to accomplish this, the County needed to develop more comprehensive standards for these type projects and insert them into the Development Code. These expanded standards have been prepared and are included in the Development Code Update. The primary additions to the standards that were included in the draft Development Code published with the EIR are as follows:

- Allows multi-family projects of 19 units or fewer with just a building permit.
- Allows multi-family projects of 20 to 49 units with an approved Minor Use Permit.
- Allows multi-family projects of 49 units or more with an approved Conditional Use Permit.
- Expands development standards for multi-family projects of all sizes.

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Members of the development community have expressed concern over whether the Development Code incorporates all applicable development standards that will be used to review future development projects within Community Plan areas. The development community is seeking reasonable certainty and predictability in the review requirements for projects within the Community Plan areas when projects are consistent with the designated zoning and adhere to the standards prescribed in the Development Code. Community Plans are a new component of the County's 2007 General Plan system and this has given rise to questions regarding how the policies in the Community Plans will be used. There is concern that projects that otherwise meet prescribed standards may be subjected to additional requirements based on unpredictable and erroneous policy interpretations. Although development projects may be subject to appropriate discretionary conditions of approval, development standards may only be imposed if they have been adopted by the Board following a public hearing. The intent of staff and consultants in the preparation of the updated Development Code has been to produce a document that implements the policies of the General Plan and Community Plans. In addition to the appeal process, staff believes that the most equitable way to address the concern expressed by the development community is to monitor the development review process to ensure that policies are not used in a manner that go beyond the intent of the policy guidance provided in the Community Plans. Monitoring of the land use review process can be evaluated and reported during the annual review of General Plan implementation discussed further in this report.

**AREA PLAN**

The Development Code Update eliminates all "Planning Areas" as they are represented in the current Code since most of them will be accommodated through a community plan or through a Sphere Standards Overlay for a specific city sphere area. The East Valley Corridor Planning Area is the exception. Staff proposes to create an "Area Plan" (rather than a "Planning Area") for the subject property that would include all of the existing specific standards of the current Planning Area. This Area Plan includes all existing regulations from the current Development Code for the former East Valley Corridor Planning Area. Area plans, in general, will provide a tool to implement unique policies and/or standards for those areas that do not have a community plan or a specific plan.

**GENERAL PLAN EIR**

The final critical step in the GPU process was the preparation of the EIR. The Notice of Preparation (NOP) for the Draft EIR was released on October 5, 2005. The purpose of the NOP was to provide a description of the GPU process, to provide information on the environmental issues that the County identified for analysis in the draft EIR, and to seek input on the environmental analysis conducted by the County. Three scoping meetings were held in late October 2005 for the purpose of soliciting input from the public regarding any specific issues that anyone felt the EIR should address. Since that time, the Draft EIR has been completed and was released on September 8, 2006, for public review and comment. The comment period ended on October 23, 2006, and responses to all comments have been prepared for inclusion in the Final Environmental Impact Report. The Final EIR was distributed on February 6, 2007, for public review. The Final EIR includes Responses to Comments received on the Draft EIR, a Mitigation Monitoring Program and revised text of the original Draft EIR. All material related to the Final EIR



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was presented to, and considered by, the Planning Commission at its February 22, 2007, hearing.

**❖ FINAL ENVIRONMENTAL IMPACT REPORT FORMAT**

The California Environmental Quality Act (CEQA) requires that the Final EIR for a project consist of the following: 1) the draft EIR or a revision to the draft; 2) comments and recommendations received on the draft EIR either verbatim or in summary; 3) a list of persons, organizations and public agencies commenting on the draft EIR; 4) the responses of the Lead Agency to significant environmental points raised in the review consultation process; 5) any other information added by the Lead Agency. (CEQA Guidelines 15132.)

The Final EIR prepared for the General Plan Update has been published as a stand-alone document, with incorporation of all changes discussed in an accompanying Appendix L. This approach was selected in an effort to provide current and future users with a complete document in a convenient and user-friendly format.

The text of the Draft EIR has been used as the base document, and all modifications to the text being made as a result of comments received were added. The text changes are identified with a bar in the margin that allows the reader to identify changes from the draft. The comment letters have given rise to additional policies or programs in the General Plan, and modifications to the Draft EIR, the Development Code or Community Plans. Appendix L (Comments on the Draft EIR/Responses to Comments on the Draft EIR) includes a brief explanation of the background and purpose of the appendix, a listing of the CEQA requirements for the Final EIR, all comment letters and the responses to those comments, and a listing of all modifications to the Draft EIR and the General Plan Program documents. The appendix allows the reader to see exactly what has been modified, added or deleted. Appendix L is organized as follows:

- Section A Background and Purpose
- Section B CEQA Requirements for the Contents of the Final EIR
- Section C Comment Letters and Responses to Comments
- Section D Modifications to the Draft EIR and the 2007 General Plan

**❖ ENVIRONMENTAL IMPACTS IDENTIFIED**

The Executive Summary of the Final Program EIR contains Table I-1, Summary of Impacts and Mitigation on pages I-3 through I-53. Seventy-six discrete impacts were analyzed in the EIR. Of those, 56 were found to be mitigated to a less than significant level, one was found to be non-significant, and 19 were determined to be significant and unavoidable. Table I-2 on page I-54 lists the unavoidable impacts that cannot be mitigated below a level of significance, and Table I-3 on page I-55 identifies the impacts found to be non-significant.

**❖ COMMENTS ON THE DRAFT PROGRAM EIR**

The County received 19 comment letters from federal, state and local government agencies, as well as from a variety of environmental organizations and several individual County residents. Comments from agencies and organizations include the following:

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- Federal agencies include the U.S. Navy, Bureau of Land Management, U.S. Forest Service, the National Park Service and the San Manuel Band of Mission Indians.
- State agencies include the Native American Heritage Commission; Governor's Office of Planning and Research/State Clearinghouse, the Department of Fish and Game, the Department of Justice and the State Water Quality Control Board - Santa Ana Region.
- Local governmental entities include the City of Fontana
- Environmental organizations include the Wilderness Society, the Sierra Club, the San Bernardino Valley Audubon Society, the Friends of Fawnskin, and the Center for Biological Diversity.

Within the 19 comment letters, there were 384 individual comments on the Draft Program EIR. Some comments contained multiple topics, resulting in approximately 456 comment points that are addressed in the Final EIR. Approximately 75% (338 comment topics) of all comments received on the Draft Program EIR addressed six topical issues. The six topics that received the most comments in descending order are biological resources; air quality; wildfire hazard/evacuation routes; land use; traffic/circulation; and water supply/groundwater. The numbers of individual comments addressing biological issues were nearly equal to the total comments of the next five highest topics. Although comments were not tracked by geographic context, roughly 50% can be attributed to issues within the Mountain Region of the County.

Responses to the comments included in the 19 letters received by the County during the public review period were developed in accordance with Section 15088 of the CEQA Guidelines. Some of the responses to comments resulted in modifications to the text of the EIR. Those text changes are presented in Section D of Appendix L and are incorporated into the Final EIR.

**❖ CATEGORICAL DISCUSSIONS**

There were several common issues raised in the letters. Comments on several topics recurred in many of the letters. In order to provide a more comprehensive explanation and response to these common issues, seven "Categorical Discussions" have been prepared. Many of the individual responses to comments refer back to the broader based Categorical Discussions listed below. A brief summary of the seven categorical topics are described below, for the full text, see Appendix L of the Final EIR.

**❖ CATEGORICAL DISCUSSION 1, "PROGRAMMATIC NATURE OF THE EIR'S ANALYSIS AND MITIGATION":**

This discussion topic responds to claims that the impact evaluation in the Draft EIR should have been more detailed. The General Plan EIR is a "Program EIR," which evaluates the broad-scale impacts of the proposed General Plan Update Program. Although the legally required contents of a Program EIR are the same as those of a Project EIR, in practice there are considerable differences in level of detail. The Program EIR is more conceptual and abstract than a project level EIR. It contains a more general discussion of impacts, alternatives, and mitigation measures. Program EIRs with a more general level of analysis are commonly used in California to evaluate proposed general plans.

❖ **CATEGORICAL DISCUSSION 2, “Programmatic Nature of the Air Quality Analysis and Mitigation”:**

This discussion supports the County’s position that the air quality analysis for the General Plan Update was sufficiently prepared pursuant to the requirements outlined in CEQA statutes for a program EIR. The air quality analysis in the Draft EIR was prepared at a programmatic level based on data that was the most accurate at the time the NOP/Initial Study was published. Supplemental air quality information related to the existing air quality conditions and regulatory standards specific to the County of San Bernardino were added to the Final EIR. The new data, however, clarifies and amplifies the information already in the Draft EIR and does not alter the conclusions reached in the Draft EIR that impacts to air quality are significant and unavoidable in spite of the goals, policies and programs contained in the General Plan that address air quality.

❖ **CATEGORICAL DISCUSSION 3, “GREENHOUSE GASES, GLOBAL WARMING, AND IMPLEMENTATION OF ASSEMBLY BILL 32”:**

The California Global Warming Solutions Act of 2006 (AB 32) was signed into law in late September 2006 after the Draft EIR was released for public review. This new law requires the California Air Resources Board (CARB) to develop regulations to establish a reporting system that identifies current emissions of greenhouse gases and to establish a reduction system. Based on the County’s consultation with air quality regulatory agencies, there is no regulation or protocol or guidance for evaluating greenhouse gas emissions in CEQA documents as of this time. The California Global Warming Solutions Act will create a new regulatory program intended to reduce statewide greenhouse gas emissions to their 1990 level. It is not yet clear how, or if, these future regulations would affect local governments or how they might influence local land use planning decisions.

Based on the level of analysis required for General Plans and the absence of any guidance or implementation from the CARB or other air quality agencies relative to AB 32, the EIR includes sufficient general disclosure of the project’s air quality and greenhouse gases impacts. Further, the County is committed to implementing procedures that may be adopted by the State when they become available in the future. Finally, some commentors asserted that the EIR should be recirculated based on the passage of AB 32 or the need to evaluate greenhouse gas emissions. The County has determined that recirculation of the Draft EIR is not required based on the comments about greenhouse gas emissions and the County’s response to those comments.

❖ **CATEGORICAL DISCUSSION 4, “WILDLAND FIRE SAFETY AND EMERGENCY EVACUATION ROUTES”:**

The topic of wildland fire as a public safety hazard is addressed in the Chapter on Hazards and Hazardous Materials of the Draft EIR. Impacts evaluated include safety hazards to the public residing in and visiting the mountain region of the County. Mitigation Measures call for the use of the Fire Safety Overlay requirements contained in the County Development Code as the primary method of reducing impacts of wildland fires on future development within the Mountain Region. The significance conclusion for impacts related to safety hazards provide

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disclosure that, in spite of extensive fire safety development requirements, there still remains a significant unavoidable safety impact due to the inherent risks associated with residing in high fire hazard areas.

The County's Fire Safety Overlay is a provision in the County Development Code. The Development Code Update, which is a component of the General Plan Update, includes a recent revision to the Fire Safety Overlay that was adopted by the Board in 2004. The updated Fire Safety Overlay was a result of the work completed by the Post-Disaster Reconstruction Task Force in 2003 in response to the catastrophic fire damage of the Grand Prix and Old Fires. A separate sub-committee of the Task Force, consisting of state local and federal fire service agencies was established to focus specifically on changes to the County's fire safety building and development requirements to enhance fire safe communities in the future. The Development Code was amended to include new standards that required the use of noncombustible and/or fire-resistant materials and other building requirements so as to mitigate the potential for future conflagrations.

Evacuation routes are part of the physical infrastructure that, in turn, supports the institutional infrastructure of fire safety and evacuation planning. The pre-planned evacuation strategy prepared by the Mountain Area Safety Task Force (MAST) in early 2003, prior to the occurrence of the Grand Prix and Old Fires, was instrumental in the successful evacuation program for these two catastrophic wildland fires. MAST has since evolved and is addressing not only the emergency caused by the drought and the bark beetle epidemic, but several other issues both tactical and strategic that are critical to public safety and forest health. These plans provide additional guidance and specific fire strategies for their specific communities.

❖ **CATEGORICAL DISCUSSION 5, "MITIGATION MONITORING AND REPORTING PROGRAM":**

CEQA requires a Lead Agency to "adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." The County has elected to implement the mitigation monitoring requirements of CEQA by incorporating all mitigation measures presented in this Final EIR directly into the San Bernardino General Plan Update, as General Plan policies, and the County Development Code, as development regulations. The Mitigation Monitoring Program is contained in the Final EIR as Appendix M. The program is to be adopted with certification of the Final EIR.

❖ **Categorical Discussion 6, “Recirculation of the Draft EIR”:**

Normally an EIR is circulated for public comment once. Under CEQA, the Lead Agency is required to recirculate the Draft EIR only when “significant new information” is added to the EIR. According to the CEQA Guidelines, “Significant new information” requiring recirculation includes, for example, a disclosure showing that a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented, a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance, a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project but the project's proponents decline to adopt it, or the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. In this case, recirculation is not required because the new information added to the EIR clarifies and amplifies the information that was already included in the Draft EIR, and because the new information does not show that there will be a new or substantially more severe significant environmental impact.

❖ **CATEGORICAL DISCUSSION 7, “PROGRAMMATIC NATURE OF THE BIOLOGICAL ANALYSIS AND MITIGATION”:**

This topic addressed several comments contending that the biology section of the EIR was inadequate. The analysis of biological impacts in the Final EIR is the first tier of a multi-level environmental review and analysis process, which programmatically analyzes the impacts on biologic resources of development pursuant to the General Plan. It is not a project level analysis of a specific development proposal. The General Plan establishes an overall policy framework that the County will use as a means of project evaluation. To that end, the Biology Section focuses on the broad policy implications of implementing the General Plan as a whole. The General Plan establishes Goals and Policies that define a framework that the County will use as a means of evaluating future development proposals. Furthermore, the framework within the General Plan is consistent with other regional and comprehensive planning documents that the County supports or in which the County participates (e.g., City of Rialto Habitat Conservation Plan for the Delhi sands flower loving fly, Upper Santa Ana Wash Land Management and Conservation Plan, Glen Helen Specific Plan Natural Resource Management Plan, Carbonate Habitat Management Strategy, West Mojave Plan, California Desert Conservation Area Plan, and so forth).

The County has recognized that the current Biological Resource and Open Space Overlay Maps only include discrete local, state, and federally protected species occurrence. Nonetheless, these data serve as indicators for a variety of associated plant and wildlife species and their habitats. The General Plan policies provide a commitment to update and enhance the Biological and Open Space Overlays using the expertise of the San Bernardino County Museum Biological Resources Section. The County has added a program to General Plan Policy to improve the completeness, function, and utility of the Biological and Open Space Overlays for the updated General Plan and subsequent development project CEQA review.

❖ **DISCUSSION ON ALTERNATIVES**

Three different growth scenarios were prepared based on population housing and forecasts for the required CEQA alternatives analysis. The growth scenarios were developed in concert with the draft goals and policies and the Vision Statement. Since population and growth can be directed through land use policies as they interact with market conditions, alternative growth scenarios were developed based on differing growth assumptions.

**ALTERNATIVE NO. 1 – NO PROJECT ALTERNATIVE (1989 GENERAL PLAN AS AMENDED)**

This Alternative retains the 1989 General Plan, as amended, and does not include the Community Plans developed as part of the proposed project, nor would the County Development Code be updated. This Alternative would allow for a population of about 415,000 people in County unincorporated territory. In summary, the No Project Alternative would delay the significant physical environmental effect of the proposed update of the County General Plan, but the anticipated significant effect on air quality, noise and circulation and traffic would likely occur at a greater pace with about the same magnitude as the County continues to grow under the 1989 General Plan. For this reason, the No Project Alternative has been found to not be superior to the proposed project from an environmental perspective.

**ALTERNATIVE NO. 2 – REDUCED DEVELOPMENT ALTERNATIVE**

Under Alternative No. 2, the County General Plan would only be updated to provide for the growth of the County by 200,000 people (not the 415,000 people estimated keeping the existing General Plan). General Plan goals and policies would also be modified as they would as part of the proposed project. For example, the land use intensities (densities and floor area ratios) of the Land Use Zoning Districts would be reduced, with a corresponding reduction in the Maximum Population Density Averages. This Alternative includes the adoption of the 13 Community Plans prepared as part of the update to the General Plan. The County's Development Code would also be updated as part of this Alternative to implement the updated General Plan.

Generally, the impacts created by this Alternative would be less than the proposed update of the General Plan since only half the future population would be accommodated within the County by the Alternative. When comparing the significant effects of the proposed project to Alternative No. 2, impacts to all categories are forecast to be less than the proposed General Plan. This Alternative would still require the installation of traffic improvements throughout the County, and vehicle emissions would still surpass the threshold set by the South Coast Air Quality Management District (SCAQMD) and would still be considered a significant air quality impact, although to a lesser degree than the proposed project. For the above reasons, the Reduced Intensity Alternative has been determined to be superior to the proposed project from an environmental perspective.

**ALTERNATIVE NO. 3 – FUTURE GROWTH IN CITIES SPHERE-OF-INFLUENCE ALTERNATIVE**

Under Alternative No. 3, the County General Plan would be updated to accommodate the growth to 409,000 people, the same as the proposed project. However, all the new growth in the County would only occur within the adopted spheres-of-influence of the cities. No growth would occur outside of a city sphere of influence. This Alternative includes the revision to goals and policies such that growth would only occur within city spheres-of-influence. For example, Goals LU-6 and LU-9 and their implementing policies would be strengthened to direct virtually all new urban growth into the spheres of influence of existing cities. Similarly, many of the Land Use Goals and Policies would need to be rewritten to discourage most, if not all, new growth from occurring in the Mountain and Desert Regions, unless they were located within existing spheres of influence. This Alternative would also include the Community Plans developed as part of the proposed update of the County General Plan. This Alternative also includes the update of the County Development Code, as would the proposed update of the General Plan.

Generally, the impacts created by this Alternative would be different than all of the other proposed alternatives to the General Plan, since accommodating an additional 409,000 people in the city spheres-of-influence would greatly increase the building densities in these areas with attendant impacts that would be created by increasing density in an area. This alternative would create greater aesthetic, biological resource, land use, noise services, and utility, recreation and transportation and traffic impacts than the proposed update of the General Plan would. Conversely, in the non-build areas, fewer impacts may occur. The Future Growth in Cities Sphere-of-Influence Alternative is not superior to the proposed update of the General Plan because of the concentrated impacts.

**❖ DISCUSSION ON UNAVOIDABLE IMPACTS AND STATEMENT OF OVERRIDING CONSIDERATIONS**

Under CEQA, a public agency must eliminate or reduce a project's significant environmental impacts when it is feasible to do so. CEQA provides that when an agency approves a project that will have significant environmental effects that will not be avoided or substantially lessened, it must make an express written statement describing the project's benefits and explain how those project benefits justify approval of the action notwithstanding the significant and unavoidable impacts. Public Resources Code Section 21081(a)(3) and (b) describes the circumstances that allow a public agency to approve a project when it considers the economic, legal, social, technological or other benefits of a project that outweigh the adverse effects on the environment. The CEQA Guidelines require the Lead Agency to adopt Fact, Findings and a Statement of Findings and Overriding Considerations when the agency chooses to approve a project that may result in significant unavoidable impacts. This statement of Facts, Finding and Statement of Findings and Overriding Considerations has been prepared for the General Plan Update Program and is presented to the Board of Supervisors for action.

Nineteen impacts were identified in the Draft EIR as being unavoidable significant adverse impacts to aesthetics, agriculture, air quality, biologic resources, wildlife hazards, and traffic circulation.

**IMPLEMENTATION AND MONITORING OF THE GENERAL PLAN**

An Implementation Program is incorporated as a concluding chapter in the General Plan text. This chapter describes the various tools that are available to implement the General Plan. These include various planning processes such as Specific Plans, Area Plans, Zoning, Subdivisions, Land Use Permits, Redevelopment Plans, and a variety of functional plans such as Flood Control Plans, Transportation Plans, Solid Waste Management Plans, National Pollutant Discharge Elimination System Program, etc. Monitoring the effectiveness of implementation is an integral part of the overall General Plan Program. In fact, recent changes to State Planning and Zoning Law, California Government Code Section 65400, requires local jurisdictions to prepare an annual report on the status and progress of implementation of the General Plan. The 2007 General Plan calls for an integrated monitoring and reporting process that will serve as a feedback mechanism. The integrated monitoring and reporting will provide an evaluation of the implementation that will be presented to the County Planning Commission and the Board of Supervisors. The evaluation can also serve as the report required by the state following review by the Board. The evaluation will be presented to both bodies during public meetings thereby allowing public participation. Staff believes that this will offer an effective feedback loop that can more closely identify what is working and what may need to be adjusted in the various documents that make up the General Plan. This evaluation will be completed on the first anniversary of the adoption of the Update Program and annually thereafter. Any corrective actions identified through the evaluation can be incorporated into the annual budget and work program process of the County. In addition to the annual evaluation, the new 2007 General Plan proposes an in-depth assessment and update on a 5-year cycle. An in-depth review and update on a 5-year programmed basis will provide considerable economy and reduced complexity in maintenance of an adequate General Plan.

**CHANGE TO THE COUNTY FEE ORDINANCE**

The changes to the County Fee Ordinance are generally clean up changes that are necessary as a result of changes to the General Plan and the Development Code. The names of some Planning review processes have changed or the Review Authority has changed from one Division of the Land Use Services Department to another. For example, the "Department Review" Planning application will be called a "Minor Use Permit," the "Occupancy Review" will be called a "Tenant Improvement," and the Minor Variance will now be processed by the Current Planning Division of the Department. Also, the "Preliminary Determination/Conditions" application will no longer be necessary. One application fee is being changed from average cost to actual cost, and two new fees will be necessary as a result of a new provision in the Development Code.

The Minor Use Permit process is being changed to be more closely aligned with the Conditional Use Permit procedures. State law requires that a public hearing be required. Consequently, the fee for the permit is being changed to a deposit for an actual cost application. If more funds are needed to complete the application review, another deposit will be requested. If there are funds remaining after all processing is completed, a refund of the remaining funds will be sent to the applicant.

The new hillside grading regulations may trigger the referral of a grading permit to the Current Planning Division for review when the criteria of Section 83.08.020 are met or surpassed. The fee



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of \$150 for this additional review was determined by estimating a total time for review at approximately 1.5 hours divided between a Land Use Technician and a Planner and rounded to the nearest whole number. At this point in time, staff cannot determine the amount of the expected revenue.

The new landscaping provisions require that a single-family residential dwelling will need to submit a landscaping plan for review when the parcel on which the dwelling is to be built is within the service area of a public or private water purveyor that has adopted a water conservation policy. Currently, there are several areas where this requirement would apply, two of which are those areas within the Lake Arrowhead Community Services District (LACSD) and the Big Bear Department of Water and Power (DWP). Staff estimates that approximately half of those water purveyors that have such a policy will review these landscaping plans. Fees as adopted by these purveyors will apply. The Land Use Services Department will conduct the other half of these plan reviews. The fee of \$150 for the Private Home Landscaping Plan review was determined by estimating a total time for review at approximately 1.5 hours divided between a Land Use Technician and a Planner and rounded to the nearest whole number. At this point in time, staff cannot determine the amount of the expected revenue.

**REVIEW BY OTHERS:** This item has been reviewed by County Counsel (Robin Cochran, Deputy County Counsel, 387-8957) on March 2, 2007 and the County Administrative Office (Daniel R. Kopp, Administrative Analyst, 387-3828) on March 5, 2007.

**FINANCIAL IMPACT:** On May 6, 2003, the Board approved Contract No. 03-379 in the amount of \$4,311,870, with URS Corporation for consultant services to prepare the County General Plan Update and EIR. Amendment Nos. 1, 2 and 3 to the Contract were approved to reallocate funds between different work phases and tasks. On September 12, 2006, the Board approved Amendment No. 4 for an additional \$388,926 to cover unanticipated out-of-scope adjustments in the work tasks for the project. Amendment No. 4 increased the total contract cost from \$4,311,870 to \$4,700,796. All costs have been or will be paid from the General Plan Update special revenue fund (RHJ LUS). The funding source for these contract costs is the general fund, as allocated in the 2001-02 through 2006-07 General Plan Update special revenue fund budgets.

The County fee ordinance will be revised for certain clean up changes that are necessary as a result of changes to the General Plan and the Development Code. The amended ordinance will include new fees for two applications that have been added to the Development Code—review of hillside grading plans and review of private home landscaping plans. These proposed fees are both \$150 per application. The impact on fee revenue received as a result of these changes is indeterminable, but not expected to be materially significant.

**SUPERVISORIAL DISTRICTS:** All

**PRESENTER:** Randy Scott, Deputy Director-Advance Planning, 387-0236